

April 2, 1999

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources, Water and Land Resources Division File No. **E98CT055**  
Proposed Ordinance No. **1999-0039**

Open Space Taxation (Public Benefit Rating System)  
Application of **Clarice Eaden**, 35314 SE David Powell Road, Fall City, WA 98024

Location: 35314 Southeast David Powell Road, Fall City, Washington

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Approve 1.52 acres for 40% of market value
Department's Final:	Approve 1.52 acres for 40% of market value
Examiner:	Approve 1.52 acres for 40% of market value

**PRELIMINARY MATTERS:**

The Department of Natural Resources, Water and Land Resources Division Preliminary Report on Item No. E98CT055 was received by the Examiner on February 24, 1999.

**PUBLIC HEARING:**

After reviewing the Department of Natural Resources, Water and Land Resources Division Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E98CT055 was opened by the Examiner at 9:30 a.m., March 10, 1999, in the Fifth Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, Washington, and closed at 10:30 a.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner: Clarice Eaden, 35314 SE David Powell Road, Fall City, WA 98024

Location: 35314 Southeast David Powell Road, Fall City, Washington

Zoning: RA 10

Acreage:

Property Total: 3.50 acres

Subject to Application: 1.50 acres

Recommended: 1.52 acres

STR: 23-24-07

Subject of Request:

High Priority Resources:

Surface water quality buffer area

Significant plant, wildlife or salmonid habitat area

Bonus Categories:

Bonus surface water quality buffer area

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources, Water and Land Resources Division Preliminary Report to the King County Hearing Examiner for the March 10, 1999 public hearing are found to be correct and are incorporated herein by this reference. Copies of the said Report will be attached to the copies of this Report submitted to the King County Council.

CONCLUSIONS:

1. Approval of current use valuation for 1.52 acres of the subject property, pursuant to the Public Benefit Rating System adopted by King County Ordinance No. 10511, would be consistent with the purposes and intent of King County to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of King County and its citizens.
2. Timely application has been made to King County for the current use valuation of the subject property to begin in 2000. Notice of said application was given in the manner required by law.

3. The subject property contains priority open space resources and is entitled to bonus points pursuant to the King County Public Benefit Rating System, which justify a total award of 13 points. The resulting current use value is 40% of market value for 1.52 acres of the subject property.

**RECOMMENDATION:**

APPROVE the request of Clarice Eaden for current use valuation of 40% of market value for 1.52 acres of the subject property, subject to the conditions recommended in the Department of Natural Resources report for the March 10, 1999 public hearing.

Current use valuation shall be subject to all terms and conditions of RCW 84.34 and King County Code Chapter 20.36, as the same may be amended from time to time, and all regulations and rules duly adopted to implement state law and county ordinances pertaining to current use valuation.

RECOMMENDED this 2<sup>nd</sup> day of April, 1999.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 2<sup>nd</sup> day of April, 1999, to the following parties and interested persons:

Clarice Eaden  
35314 SE David Powell Road  
Fall City, WA 98024

Tom Beavers, Department of Natural Resources  
Monica Clarke, Metropolitan King County Council  
Susan Monroe, Department of Assessments  
Ted Sullivan, Department of Natural Resources  
Charlie Sundberg, Office of Cultural Resources

**NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before April 16, 1999*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before April 23, 1999*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE MARCH 10, 1999 PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES  
FILE NO. E98CT055 – CLARICE EADEN:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Clarice Eaden, Tom Beavers, and Ted Sullivan.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	not offered
Exhibit No. 2	not offered
Exhibit No. 3	not offered
Exhibit No. 4	Department Of Natural Resources Staff Report to the Hearing Examiner
Exhibit No. 5	Legal Notice To Council
Exhibit No. 6	Introductory Ordinance To Council
Exhibit No. 7A.	CORRECTED Affidavit Of Publication Received
Exhibit No. 7B	Original Affidavit OF Publication Received
Exhibit No. 8	Notification To Applicant Of Hearing
Exhibit No. 9	Application Signed/Notarized
Exhibit No. 10	Legal Description Of Designated Open Space
Exhibit No. 11	Assessor Map
Exhibit No. 12	King County Situs Report
Exhibit No. 13	King County Assessors Database
Exhibit No. 14	Site Map
Exhibit No. 15	Arcview Map
Exhibit No. 16	Notice Of Hearing, Office Of Hearing Examiner